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August 27, 2019

VIA ECF AND VIA ELECTRONIC MAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408

Re: Picard v. Carol Nelson, Adv. Pro. No. 10-04658 (SMB) and Picard v. Carol and Stanley Nelson, Adv. Pro. No. 10-04377 (SMB)

Dear Judge Bernstein:

We are counsel to Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.* and the estate of Bernard L. Madoff.

We write in response to the Defendants’ request in the above-captioned actions seeking to adjourn their time to file their response to the Trustee’s proposed Findings of Fact and Conclusions of Law, which was previously so ordered by this Court to be August 30, 2019, as set forth in the Stipulation and Order Setting Post Trial Briefing Schedule. *See* Adv. Pro. No. 10-04377, ECF No. 157 and Adv. Pro. No. 10-04658, ECF No. 160. As indicated in the emails attached to Defendants’ request, the Trustee believes that he is precluded from unilaterally consenting to the extension of deadlines previously ordered by this Court. Notwithstanding, the Trustee has no objection to the requested extension provided that any such request: (1) seeks to adjourn Defendants’ Motion to Dismiss for Lack of Subject-Matter Jurisdiction (the “Motion”) until October 30, 2019 and (2) provides an extension of the Trustee’s time to respond to that motion until October 23, 2019.

It is the Trustee’s position that the issues addressed in the Trustee’s proposed Findings of Fact and Conclusions of Law and the Motion are substantially intertwined and it would be judicially inefficient to address the Motion before the post-trial briefing is completed and determined. Accordingly, to the extent that the Motion is properly on the Court’s calendar

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pursuant to Local Rule 5070-1, the Trustee requests that any adjournment of the briefing deadlines in this matter also include an adjournment of the Motion to allow the Court and the parties sufficient time to determine how to efficiently proceed given the anticipated overlap of the issues concerning both matters.

Respectfully submitted,

/s/ Nicholas J. Cremona

Nicholas J. Cremona
Partner

cc: Helen Davis Chaitman via Electronic Mail